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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,850	02/14/2007	William R. Collier	17276-lus PTN/df	9384
20988	7590	02/20/2008		
OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			EXAMINER NWUGO, OJIAKO K	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 02/20/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/575,850

Applicant(s)

COLLIER, WILLIAM R.

Examiner

Ojiako Nwugo

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte. Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isao Kanno US Patent 5555857. (Hereafter referred to as Kanno)

Regarding **Claim 1** Kanno discloses in fig. 1, col. 3 lines 34-35 in light col. 2 lines 4-5 a float switch 46 with a power source for sensing liquid level. This reads on "A fluid level detector and alarm apparatus for use in a liquid receiving open-top vessel, comprising: a housing being connectable to the vessel so as to be positioned within the vessel, the housing being adapted to receive a power source"

Kanno discloses in figs. 1, 3 and col. 4 lines 44-46 an audible alarm 108 in parallel LED 106. This reads on "a sound emitter positioned within the housing, the sound emitter being actuatable to emit a sound alarm; a circuit within the housing for interconnecting the sound emitter to the power source, the circuit having opposed ends emerging out of the housing"

Kanno discloses in col. 3 lines 35-37 an open contact switch with a float sliding up and down a rail. Kanno does not explicitly disclose buoyant forces sliding the float.

It would have been obvious for one of ordinary skill at the time of the invention that use of float to sense fluid level necessarily involves buoyant forces.

Regarding **Claim 2**, Kanno discloses in fig. 3 and col. 4 lines 40-45 level switch 90 that energizes LED 106 and audible alarm 106 when closed.

Regarding **Claim 3**, Kanno discloses in fig. 3 and col. 4 lines 40-45 level switch 90 that energizes LED 106.

Regarding **Claim 4**, Kanno discloses in fig. 1 and col. 3 lines 54-57 light 62 which indicates sufficient power from the power source and is off when power is sufficiently low.

Regarding **Claim 5**, Kanno discloses in fig. 2 and col. 4 lines 20-25 level switch 86 and 90. Kanno does not disclose the nature of the contacts.

It would have been obvious for one of ordinary skill in the art at the time of the invention to use proper contact for switch as determined by design.

Regarding **Claim 6**, Kanno discloses in col. 3 line 38 and lines 55-56 an open contact switch that utilizes a float that slides up and down a rail. Since the float slides up and down before it closes the switch to light the indicators in indicator housing 60. Thus the float is releasably connected to the housing.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno in view of Anthony Sayka et al U.S Patent 5743135. (Hereafter referred to as Sayka)

Regarding **Clam 7**, Kanno discloses all the limitation of claim 7 as applied claim 1 except a float with a tapered housing. Sayka discloses in fig. 1 and col. 3 lines 17-19 a tapered 126 to enclose float 124.

It would have been obvious for one of ordinary skill in at the time of the invention to tapered housing of Sayka into Kanno for the purpose of confining the float as taught by Sayka.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ojiako Nwugo whose telephone number is (571) 272 9755. The examiner can normally be reached on M - F 7.30am - 5.00pm EST, Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272 2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OKN


DAVETTA W. GOINS
PRIMARY EXAMINER